

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION**

**Priscilla Sterling, Raine Becker, Shawn
Miller, and John Bennett, individually and on
behalf of all others similarly situated**

Plaintiffs

v.

Civil No. 3:22-cv-531-KHJ-MTP

**The City of Jackson, Mississippi; Chokwe A.
Lumumba; Tony Yarber; Kishia Powell;
Robert Miller; Jerriot Smash; Siemens
Corporation; Siemens Industry, Inc.; and
Trilogy Engineering Services LLC**

Defendants

**CITY OF JACKSON'S MOTION FOR JUDGMENT ON
THE PLEADINGS TO DISMISS THE AMENDED CLASS ACTION
COMPLAINT FOR INJUNCTIVE RELIEF AND MONEY DAMAGES**

The City of Jackson, through counsel and pursuant to Federal Rule of Civil Procedure 12(c), files this Motion for Judgment on the Pleadings, seeking dismissal of Counts I and II of Plaintiffs' Amended Class Action Complaint for Injunctive Relief and Money Damages with Jury Trial Demand [Doc. 57]. In support of the requested relief, the City states:

1. In the Complaint, Plaintiffs assert claims against the City for: (1) Count I: 42 U.S.C. § 1983 – Fourteenth Amendment Substantive Due Process – Bodily Integrity; and (2) Count II: 42 U.S.C. § 1983 – Fourteenth Amendment Substantive Due Process – State Created Danger. *See id.* at 77-81.
2. Those claims fail to state a claim upon which relief may be granted against the City.
3. Plaintiffs have not alleged state-actor coercion, and therefore, no violation of bodily integrity.
4. The Fifth Circuit does not recognize a state-created-danger theory of liability.

5. Accordingly, and for the reasons more fully set forth in its accompanying Memorandum in Support, the City requests dismissal of Counts I and II.

RESPECTFULLY SUBMITTED, this the 14th day of July, 2023.

/s/ Clarence Webster, III
CLARENCE WEBSTER, III

Clarence Webster, III (MSB #102111)
Kaytie M. Pickett (MSB #103202)
Adam Stone (MSB #10412)
Abbey Reeves (MSB #105720)
JONES WALKER LLP
190 E. Capitol Street, Suite 800
Jackson, MS 39201
Telephone: (601) 949-4900
Facsimile: (601) 949-4804
cwebster@joneswalker.com
kpickett@joneswalker.com
astone@joneswalker.com
areeves@joneswalker.com
Counsel for the City of Jackson

CERTIFICATE OF SERVICE

I hereby certify that on July 14, 2023, I electronically filed the foregoing pleading with the Clerk of the Court using the CM/ECF system which served a copy of the foregoing on all counsel of record.

/s/ Clarence Webster, III
CLARENCE WEBSTER, III